



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,368	09/04/2003	Warwick Leslie Burrows	AUS920030624US1	8458

65362 7590 03/04/2009
HAMILTON & TERRILE, LLP
IBM Austin
P.O. BOX 203518
AUSTIN, TX 78720

EXAMINER

LAI, MICHAEL C

ART UNIT	PAPER NUMBER
----------	--------------

2457

MAIL DATE	DELIVERY MODE
-----------	---------------

03/04/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Pre-Interview Communication (For use in the First Action Interview Pilot Program)	Application No. 10/655,368	Applicant(s) BURROWS ET AL.	
	Examiner MICHAEL C. LAI	Art Unit 2457	Page 1 of

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **ONE MONTH OR THIRTY (30) DAYS**, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

This time period for reply is NOT extendable under 37 CFR 1.136(a). This communication constitutes notice under 37 CFR 1.136(a)(1)(i).

To avoid abandonment of the application, applicant must, within this time period for reply, file:

- (1) A letter requesting not to have a first-action interview, or
- (2) A completed Applicant Initiated Interview Request Form (PTOL-413A) accompanied by a proposed amendment or arguments.

Inventor participation in the Pre-First Action Interview is encouraged if it would expedite resolution of the application.

Disposition of Claims

- 3) ☒ Claim(s) 1 is/are pending in the application.
 3a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 4) ☐ Claim(s) _____ is/are allowed.
- 5) ☒ Claim(s) 1 is/are rejected.
- 6) ☐ Claim(s) _____ is/are objected to.
- 7) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 8) ☐ The specification is objected to by the Examiner.
- 9) ☒ The drawing(s) filed on 4 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 10) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 11) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

Contact Information

Examiner's Telephone Number: (571)270-3236
 Examiner's Typical Work Schedule: M-F 8:30 - 5:00 EST
 Supervisor's Name: Ario Etienne
 Supervisor's Telephone Number: (571) 272-4001


Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____. | <ol style="list-style-type: none"> 4) <input type="checkbox"/> Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____. 5) <input type="checkbox"/> Notice of Informal Patent Application 6) <input type="checkbox"/> Other: _____. |
|--|--|

Pre-Interview Communication (For use in the First Action Interview Pilot Program)	Application No. 10/655,368	Applicant(s) BURROWS ET AL.	
	Examiner MICHAEL C. LAI	Art Unit 2457	Page 2 of

Notification of Rejection(s) and/or Objection(s)				
#	Claim(s)	Reference(s) (if applicable)	Rejection Statutory Basis	Brief Explanation of Rejection
1	1		112 second paragraph	Intended use "operable" in line 4.
2	1		101	While the claim recites a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to particular machine, or (2) transform underlying subject matter (such as an article or material) to a different (See continuation)
3	1	A, B, C	103(a)	Reference A discloses claim 1 (see Figure 4, FTP server is the primary and Web Server secondary. Limit. 1, col. 4, lines 45-49. Limit. 2, "determining a need for data", col. 4, lines 53-57. (See continuation)

Expanded Discussion/Commentary	
2	state or thing. See page 10 of In Re Bilski 88 USPQ2d 1385. The instant claim is neither positively tied to a particular machine that accomplishes the claimed method steps nor transform underlying subject matter, and therefore do not qualify as a statutory process. Note that in page 15, lines 27-31 of the original specification, it indicates "Servers 202 and 204 may be implemented as infrastructure components, services, applications, software modules..."
3	Limit. 3, "sending a second request", col. 4, lines 55-57. Limit. 4, col. 4, lines 57-61. Limit. 5, col. 4, lines 61-65. Limit. 6, col. 4 line 65 through col. 5 line 1) except for "the client using a HTTP protocol for which the secondary server is not configured to implement" and "HTTP redirect message". Reference B discloses the HTTP protocol limitation at Figure 1 and col. 1, lines 44-61. It would have been obvious to use reference A's method with reference B's HTTP protocol in order to pass firewall security (See continuation below)
3	(reference B, col. 1, lines 44-50). Reference C discloses the HTTP redirect message limitation at col. 4 line 50 through col. 6 line 2. It would have been obvious to use reference A's method with reference C's HTTP redirect message in order to support the request even when the requested resource residing under a different Universal Resource Identifier (reference C, col. 1, lines 51-54).
DATE: 2/27/2009	/Michael C Lai/ Examiner, Art Unit 2457


ARTO ETIENNE
INTERVIEWS PATENT EXAMINER
PHOTO COPY CENTER 2100